10th Election District Ord Councilmanic District * Case No. 92-369-A

Susanne M. Gilbert and Robert H. Wiedefeld, Jr. Petitioners ...

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance in which the Petitioners request relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.X.R.) to permit an accessory building height of 18 feet in lieu of the permitted 15 feet, for a proposed storage barn in accordance with portitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the nubsect property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26:127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or generat welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Purcuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9^{-4} day of April, 1992 that the Petition for Residential Variance requesting relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building height of 18 feet in lieu of the permitted 15 feet, for a proposed storage barn, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions prece-

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Potitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The proposed storage barn shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

> Deputy Moning Commissioner for Baltimore County

dent to the relief granted:

SEIVED FOR

AFFIDAVIT IN SUPPORT OF ADMINISTRATIVE VARIANCE

92-369-AThe undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at 25 7 Strick ton Pecul

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrati

Variance at the above address: (indicate hardenly or practical difficulty) the height of the first floor must be at least ter feet it amonals are to be brouged in shed area. therefore, in main to have adequate after strange it with must be approximately eighteen feet Proper tote A Present for a 15 High Burney Has Akkens Bec. Comme (But 151) Pro Sucressing Mayrean March On Concertion to the 3' Height Extended (See Englisher Silver) That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and

of Maryland, in and for the County aforesaid, personally appeare. the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law

AS WITNESS my hand and Notarial Seal.

3832 M45**36**

EXHIBIT "A"

BEGINNING for the same at a point on the Southerly side of Stockton Road, 30 feet wide, and in the first or South 82 degrees 33 minutes 34 seconds East 400.90 feet line of a parcel of land which by deed dated May 22, 1965, and recorded among the land records of Baltimore County in Liber No. 4461 folio 188 was granted and conveyed by The Harrison Realty Company to Emory Brown and Selina B. Brown, his wife, said point being distant South 82 degrees 33 minutes 34 seconds East 29.82 feet from the point of beginning thence running with said road,

1) South 82 degrees 33 minutes 34 seconds East, 94.08 feet, thence leaving said road and binding on the second or South 07 degrees 26 minutes 06 seconds West, 590.00 feet line of a parcel of land which by deed dated March 14, 1977, and recorded among the land records of Baltimore County in Liber No. 5734 folio 638 was granted and conveyed by Emory Brown and Selina B. Brown, his wife, to Idmond Caster and Bonita Caster, his wife, thence;

2) South 07 degrees 26 minutes 06 seconds West, 590.00 feet, to the center cross mark in a 2 inch diameter aluminum disk attached over a 3/4 inch diameter iron bar thence binding on the third or North 82 degrees 33 minutes 34 seconds West 150.00 feet line of a parcel of land which by deed dated March 14, 1977, and recorded among the land records of Baltimore County in Liber No. 5734 folio 638 was granted and conveyed by Emory Brown and Selina B. Brown to Edmond Caster and Bonita Caster, his wife,

3) North 82 degrees 33 minutes 34 seconds West, 150.00 feet, to the center cross mark in a 2 inch diameter aluminum disk attached over a 3/4 inch diameter iron bar thence binding on the fourth or North 11 degrees 53 minutes 34 seconds West 312.18 feet line of a parcel of land which by deed dated August 11, 1987 and recorded among the land records of Baltimore County in Liber No. 7636 folio 234 was granted and conveyed by Emory Brown and Selina B. Brown, his wife, to Richard D. Irvin and Patricia R. Irvin, his wife, thence binding on the fourth and fifth lines of said conveyance;

4) North 77 degrees 53 minutes 34 seconds West, 312.18 feet,

5) North 40 degrees 27 minutes 55 seconds East, 673.40 feet, to the place of beginning.

The improvements thereon being known as 2807 Stockton Road.

ZOUINE DESCRIPTION FOR 2809 STOCKTON R&

Baltimon County Court ment Zomng Commissioner

Office of Planning and Zoning

17

April 29, 1992

(410) 887-4386

Suite 113 Courthouse

Towson, MD 21204

400 Washington Avenue

Ms. Susanne M. Gilbert

2807 Stockton Road

TMK:bjs

cc: People's Counsel

Mr. Robert H. Wiedefeld, Jr.

(2807 Stockton Road)

Dear Ms. Gilbert & Mr. Wiedefeld:

Case No. 92-369-A

RE: PETITION FOR RESIDENTIAL VARIANCE

granted in accordance with the attached Order.

S/S Stockton Road, 520' E of Carroll Mill Road

10th Election District - 3rd Councilmanic District

Susanne M. Gilbert & Robert H. Wiedefeld, Jr. - Petitioners

Enclosed please find a copy of the decision rendered in the

In the event any party finds the decision rendered is unfavor-

Very truly yours,

TIMOTHY M. KOTROCO

for Baltimore County

luthy Kotroco

Deputy Zoning Commissioner

above-captioned matter. The Petition for Residential Variance has been

able, any party may file an appeal to the County Board of Appeals within

thirty (30) days of the date of this Order. For further information on

filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Phoenix, Maryland 21131

Beginning At A Point on this Southern Sloe of Stocicton Rd , 30 feet wice, The South 82 33 milles 34 sec. will cit 13 520 EAST of THE BEGINNING OF CHANGE MILL ROAD; ONG PROCES FURLICE BAST ALONG STOLLTON RA 94,08 FEET, ! Thence comment so so Rd the Brown on the Second or South of deminde OL SOCOLOS WEST, 590' to the course chass marie in a 2 inch Diamoter . Accommum disk althorises over a 3/4 men biameter have Box. (This was ween \$734 Forio 638 3-14-79) THEWER BINDING ON HISE THIND OR NORTH 88 OGGICE 33 MINH 345 Ecoco: WEST 150 FORT (\$196 5734 FULLEGS8 3-14-77) to ANOHICE 2" ALMINIM DSIC MOUNTED ON AU I ROW BACK PROCESS FURTILL WEST 312, 18 FOCT ALONS A LINE N M DOGACCE SEMINATES DESCUOS DECOCO 8/11/87 LIBER 7636 FOLIO 1834. FILALLY OUR PROCESS NORTH ALLY NOTH 40° 27 minute 55 sec Essi 673.40 FEGT to the PLACE of Beginning! 2807 Stockton Rd.

BALTIMONI COUNTY DEST OF ZONING 111 WEST CHESAPERICE AUG 2m 109

THU JOB MERRET

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.3 0 + The BCZPTO PERMIT AN ACCESSORY BUILDING HEIGHT of 18 IN Lieu of The PEOURED 151.

of the Zoning Regulations of Baltimore County for the following reasons: (indicate hardship or practical difficulty) Height of first floor must be at least 10 ft if naments are to be housed in shed. Therefore, in order to have attracte space, height of building at peak of roof must be approximately eighteen feet.

Property is to be advertised and/or posted as prescribed by Zoning Regulations

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of BaltimoreCounty adopted pursuant to the Zoning Law for

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition. Legal Owner(s): Contract Purchases Robert Heward Wiedefeld I (type or print name) Susanne Marie Gilbert Summer Haru Chiles You will 477 4804 2807 Stuckton Pa # (410) 771-8135 Process Ma 7.1131 Hams, address and phone number of owner, contract purchaser or

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner Of Baltimore County, this _____ day of _____, 19___, that the subject matter of this petition be set in for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

ORDER RECEIVED FOR FILING

1 (M DATE: 3-4-92

CERTIFICATE OF POSTING	_
ZONING DEPARTMENT OF BALTIMORE COUNTY	92369
Toursen, Maryland	
	

District / C / D / 1 / 2 / C / Posted for: V / D / 1 / 2 / C / C	Date of Posting 11/16/92
	-1-5 4 5 M. 67 but
Location of property: 5/3 376 7807 Starting	15 4 Rd. , 530' 15 Jean 11 Milliek
	5 to I fam 1 corpores To For You dulay

County Office Building 111 West Chesapeake Avenu

Account: R-001-6150

code for this are the complete of the first of

94A04A0969MICHRO

EA CO10:20AM03-26-92
Please Make Checks Payable To: Baltimore County

that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. March 4, 1992

PECEIVED FOR a.

111 West Chesapeake Avenue Towson, MD 21204

April 15, 1992

(410) 887-3353

Mr. Robert H. Wiedefeld, Jr. 2807 Stockton Road Phoenix, MD 21131

RE: Item No. 387, Case No. 92-369-A Petitioner: Robert H. Wiedefeld, et al Petition for Administrative Variance

Dear Mr. Wiedefeld:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

111 West Chesapeake Avenue Towson, MD 2120+

4th day of March, 1992.

(410) 887-3353

Your petition has been received and accepted for filing this

Baltimore County Government

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

DIRECTOR

Received By:

Zoning Plans Advisory Committee

Petitioner: Robert H. Wiedefeld, Jr., et al Petitioner's Attorney:

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAŃD

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

April 15, 1992

Arnold Jablon, Director Zoning Administration and Development Management

DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Comments

The agenda for the zoning advisory committee meeting of April 6, 1992 has been reviewed by the Department of the Environmental Protection and Resource Management staff.

There is no comment for the following item numbers:

389

390

NO CMNT/GWRMP

ZCHE'S OFFICE

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

Director

Printed on Recycled Paper

APRIL 3, 1992

(301).887.4500

Arnold Jablon Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: ROBERT HOWARD WIEDEFELD, JR. AND SUSAN MARIE GILBERT

Location:

#280 STOCKTON ROAD

Item No.: 387(JCM)

Zoning Agenda: APRIL 6, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Noted and Planning/Group

Special Inspection Division

Fire Prevention Bureau

JP/KEK

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

April 15, 1992

Arnold Jablon, Director Zoning Administration & Development Management

Ervin McDaniel, Chief

Development Review Section Office of Planning and Zoning

SUBJECT: PETITIONS FROM ZONING
ADVISORY COMMITTEE - APRIL 6, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Item No. 383 Joseph M. Lewis Item No. 384 Anthony S. Rinaldi Item No. 386 George Schiaffino Item No. 387 Robert H. Wiedefeld Item No. 388 Joseph A. Cooper Item No. 389 Terry Lee Foy Item No. 390 Elliott Weinstein Item No. 394 Ronald W. Chapman

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

BALTIMORE COUNTY, MARYLAND

Arnold Jablon, Director

FROM / P Robert W. Bowling, P.E., Chief

SUBJECT: Zoning Advisory Committee

RWB:DAK:pab

ZONADVIS/PB MEMO4

cc: File

Zoning Administration and

Development Management

Developers Engineering Division

349, 383, 384, 386, 387, 388, 389, 390 and 394.

INTEROFFICE CORRESPONDENCE

The Developer's Engineering Division has reviewed the items on the

agenda distributed on April 6, 1992. We have no comment on Items numbered

PETITNS3.ZON

At was the War

ZOMMA: NETTOE

4:37-92

Date: April 10, 1992

ZONING OFFICE

DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

BUREAU OF TRAFFIC ENGINEERING

DATE: April 8, 1992

Mr. Arnold Jablon, Director

Office of Zoning Administration and Development Management

Rahee J. Famili

92-369-14 4/27

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: April 6, 1992

This office has no comments for item numbers 383, 384, 387, 388, 389, 390 and 394.

Traffic Engineer II

RJF/lvd

ZONING OFFICE

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

April 2, 1992

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Robert Howard Wiedfeld and Susanne Marie Gilbert 2807 Stockton Road

Phoenix, Maryland 21131 Re: CASE NUMBER: 92-369-A

LOCATION: S/S Steckton Road, 520' E of Carroll Mill Road 2807 Stockton Road 10th Election District - 3rd Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before April 12, 1992. The closing date is April 27, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Zoning Commissioner, Baltimore County

#387

We the undersigned, neighbors of Robert H.Wiedefeld and Susanne M. Gilbert of 2807 Stockton Road, Phoenix, Maryland, Baltimore County, understand that they are applying for a variance on the height of their garage/shed now under construction. Further, we understand that their intention is to build the roof approximately 18 feet high. We have no objection to this plan.

John & Shawn Nocher







